

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

HOUSE BILL 798

49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009

INTRODUCED BY

Richard J. Berry

AN ACT

RELATING TO PUBLIC EMPLOYEES RETIREMENT; AMENDING THE PUBLIC
EMPLOYEES RETIREMENT ACT TO CHANGE THE RETIREMENT ELIGIBILITY
FOR NEW MEMBERS; RECONCILING MULTIPLE AMENDMENTS TO THE SAME
SECTION OF LAW IN LAWS 2003.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 10-11-26.2 NMSA 1978 (being Laws 1994,
Chapter 128, Section 3) is amended to read:

"10-11-26.2. STATE GENERAL MEMBER COVERAGE PLAN 3--AGE
AND SERVICE CREDIT REQUIREMENTS FOR NORMAL RETIREMENT.--Under
state general member coverage plan 3, the age and service
credit requirements for normal retirement are:

A. age sixty-five years or older and five or more
years of service credit;

B. age sixty-four years and eight or more years of

.177132.1

underscored material = new
[bracketed material] = delete

underscoring material = new
[bracketed material] = delete

1 service credit;

2 C. age sixty-three years and eleven or more years
3 of service credit;

4 D. age sixty-two years and fourteen or more years
5 of service credit;

6 E. age sixty-one years and seventeen or more years
7 of service credit;

8 F. age sixty years and twenty or more years of
9 service credit; [~~and~~]

10 G. any age and twenty-five or more years of service
11 credit for an individual who was a retired member or a member
12 on June 30, 2009; or

13 H. any age and thirty or more years of service
14 credit for an individual who was not a retired member or a
15 member on June 30, 2009."

16 Section 2. Section 10-11-27 NMSA 1978 (being Laws 1987,
17 Chapter 253, Section 27, as amended by Laws 2003, Chapter 268,
18 Section 9 and by Laws 2003, Chapter 269, Section 1) is amended
19 to read:

20 "10-11-27. STATE POLICE MEMBER AND ADULT CORRECTIONAL
21 OFFICER MEMBER COVERAGE PLAN 1--APPLICABILITY.--

22 A. State police member and adult correctional
23 officer member coverage plan 1 is applicable to state police
24 members who are not specifically covered by another coverage
25 plan and to adult correctional officer members. [~~The credited~~

.177132.1

underscored material = new
[bracketed material] = delete

1 ~~service of a state police member who has held the permanent~~
2 ~~rank of patrolman, sergeant, lieutenant or captain and does not~~
3 ~~hold an exempt rank or who is assigned to the aircraft division~~
4 ~~as a pilot, or of an adult correctional officer member, shall~~
5 ~~have actual credited service increased by twenty percent]~~ For
6 the purposes of state police member and adult correctional
7 officer member coverage plan 1, a member shall have actual
8 credited service increased by twenty percent if that member was
9 a retired member or a member on June 30, 2009 and:

10 (1) is a state police member who holds the
11 permanent rank of patrolman, sergeant, lieutenant or captain
12 and does not hold an exempt rank;

13 (2) is a state police member who is assigned
14 to the aircraft division as a pilot; or

15 (3) is an adult correctional officer member.

16 B. The increased credited service provided in
17 Subsection A of this section may be used only for the purposes
18 of state police member and adult correctional officer member
19 coverage plan 1, and, if a member transfers or otherwise
20 becomes subject to another coverage plan, only the actual
21 credited service, rather than the increased credited service,
22 may be used to determine retirement eligibility under that
23 other plan.

24 ~~[B.]~~ C. State police member and adult correctional
25 officer member coverage plan 1 is applicable to adult

.177132.1

underscored material = new
[bracketed material] = delete

1 correctional officer members in the first full pay period after
2 July 1, 2004 if the retirement board certifies to the secretary
3 of state that, of those adult correctional officer members to
4 be covered under state police member and adult correctional
5 officer member coverage plan 1, a majority of the members
6 voting have voted to approve adoption of that plan at an
7 election conducted pursuant to [~~Section 16 of this 2003 act~~]
8 Laws 2003, Chapter 268, Section 16."

9 Section 3. Section 10-11-45 NMSA 1978 (being Laws 1987,
10 Chapter 253, Section 45) is amended to read:

11 "10-11-45. MUNICIPAL GENERAL MEMBER COVERAGE PLAN 1--AGE
12 AND SERVICE REQUIREMENTS FOR NORMAL RETIREMENT.--Under
13 municipal general member coverage plan 1, the age and service
14 requirements for normal retirement are:

15 A. age sixty-five years or older and five or more
16 years of credited service;

17 B. age sixty-four years and eight or more years of
18 credited service;

19 C. age sixty-three years and eleven or more years
20 of credited service;

21 D. age sixty-two years and fourteen or more years
22 of credited service;

23 E. age sixty-one years and seventeen or more years
24 of credited service;

25 F. age sixty years and twenty or more years of

.177132.1

underscored material = new
[bracketed material] = delete

1 credited service; [~~or~~]

2 G. any age and twenty-five or more years of
3 credited service for an individual who was a retired member or
4 a member on June 30, 2009; or

5 H. any age and thirty or more years of credited
6 service for an individual who was not a retired member or a
7 member on June 30, 2009."

8 Section 4. Section 10-11-51 NMSA 1978 (being Laws 1987,
9 Chapter 253, Section 51) is amended to read:

10 "10-11-51. MUNICIPAL GENERAL MEMBER COVERAGE PLAN 2--AGE
11 AND SERVICE REQUIREMENTS FOR NORMAL RETIREMENT.--Under
12 municipal general member coverage plan 2, the age and service
13 requirements for normal retirement are:

14 A. age sixty-five years or older and five or more
15 years of credited service;

16 B. age sixty-four years and eight or more years of
17 credited service;

18 C. age sixty-three years and eleven or more years
19 of credited service;

20 D. age sixty-two years and fourteen or more years
21 of credited service;

22 E. age sixty-one years and seventeen or more years
23 of credited service;

24 F. age sixty years and twenty or more years of
25 credited service; [~~or~~]

.177132.1

underscored material = new
[bracketed material] = delete

1 G. any age and twenty-five or more years of
2 credited service for an individual who was a retired member or
3 a member on June 30, 2009; or

4 H. any age and thirty or more years of credited
5 service for an individual who was not a retired member or a
6 member on June 30, 2009."

7 Section 5. Section 10-11-55.2 NMSA 1978 (being Laws 1993,
8 Chapter 58, Section 2) is amended to read:

9 "10-11-55.2. MUNICIPAL GENERAL MEMBER COVERAGE PLAN 3--
10 AGE AND SERVICE REQUIREMENTS FOR NORMAL RETIREMENT.--Under
11 municipal general member coverage plan 3, the age and service
12 requirements for normal retirement are:

13 A. age sixty-five years or older and five or more
14 years of credited service;

15 B. age sixty-four years and eight or more years of
16 credited service;

17 C. age sixty-three years and eleven or more years
18 of credited service;

19 D. age sixty-two years and fourteen or more years
20 of credited service;

21 E. age sixty-one years and seventeen or more years
22 of credited service;

23 F. age sixty years and twenty or more years of
24 credited service; [~~or~~]

25 G. any age and twenty-five or more years of

.177132.1

underscored material = new
[bracketed material] = delete

1 credited service for an individual who was a retired member or
2 a member on June 30, 2009; or

3 H. any age and thirty or more years of credited
4 service for an individual who was not a retired member or a
5 member on June 30, 2009."

6 Section 6. Section 10-11-55.8 NMSA 1978 (being Laws 1998,
7 Chapter 106, Section 2) is amended to read:

8 "10-11-55.8. MUNICIPAL GENERAL MEMBER COVERAGE PLAN 4--
9 AGE AND SERVICE REQUIREMENTS FOR NORMAL RETIREMENT.--Under
10 municipal general member coverage plan 4, the age and service
11 requirements for normal retirement are:

12 A. age sixty-five years or older and five or more
13 years of credited service;

14 B. age sixty-four years and eight or more years of
15 credited service;

16 C. age sixty-three years and eleven or more years
17 of credited service;

18 D. age sixty-two years and fourteen or more years
19 of credited service;

20 E. age sixty-one years and seventeen or more years
21 of credited service;

22 F. age sixty years and twenty or more years of
23 credited service; [~~or~~]

24 G. any age and twenty-five or more years of
25 credited service for an individual who was a retired member or

.177132.1

underscored material = new
[bracketed material] = delete

1 a member on June 30, 2009; or

2 H. any age and thirty or more years of credited
3 service for an individual who was not a retired member or a
4 member on June 30, 2009."

5 Section 7. Section 10-11-69 NMSA 1978 (being Laws 1987,
6 Chapter 253, Section 69) is amended to read:

7 "10-11-69. MUNICIPAL POLICE MEMBER COVERAGE PLAN 3--AGE
8 AND SERVICE REQUIREMENTS FOR NORMAL RETIREMENT.--Under
9 municipal police member coverage plan 3, the age and service
10 requirements for normal retirement are:

11 A. age sixty-five years or older and five or more
12 years of credited service;

13 B. age sixty-four years and eight or more years of
14 credited service;

15 C. age sixty-three years and eleven or more years
16 of credited service;

17 D. age sixty-two years and fourteen or more years
18 of credited service;

19 E. age sixty-one years and seventeen or more years
20 of credited service; [~~or~~]

21 F. any age and twenty or more years of credited
22 service for an individual who was a retired member or a member
23 on June 30, 2009; or

24 G. any age and twenty-five or more years of
25 credited service for an individual who was not a retired member

.177132.1

underscored material = new
[bracketed material] = delete

1 or a member on June 30, 2009."

2 Section 8. Section 10-11-75 NMSA 1978 (being Laws 1987,
3 Chapter 253, Section 75) is amended to read:

4 "10-11-75. MUNICIPAL POLICE MEMBER COVERAGE PLAN 4--AGE
5 AND SERVICE REQUIREMENTS FOR NORMAL RETIREMENT.--Under
6 municipal police member coverage plan 4, the age and service
7 requirements for normal retirement are:

8 A. age sixty-five years or older and five or more
9 years of credited service;

10 B. age sixty-four years and eight or more years of
11 credited service;

12 C. age sixty-three years and eleven or more years
13 of credited service;

14 D. age sixty-two years and fourteen or more years
15 of credited service;

16 E. age sixty-one years and seventeen or more years
17 of credited service; [~~or~~]

18 F. any age and twenty or more years of credited
19 service for an individual who was a retired member or a member
20 on June 30, 2009; or

21 G. any age and twenty-five or more years of
22 credited service for an individual who was not a retired member
23 or a member on June 30, 2009."

24 Section 9. Section 10-11-81 NMSA 1978 (being Laws 1987,
25 Chapter 253, Section 81) is amended to read:

.177132.1

underscored material = new
[bracketed material] = delete

1 "10-11-81. MUNICIPAL POLICE MEMBER COVERAGE PLAN 5--AGE
2 AND SERVICE REQUIREMENTS FOR NORMAL RETIREMENT.--Under
3 municipal police member coverage plan 5, the age and service
4 requirements for normal retirement are:

5 A. age sixty-five years or older and five or more
6 years of credited service;

7 B. age sixty-four years and eight or more years of
8 credited service;

9 C. age sixty-three years and eleven or more years
10 of credited service;

11 D. age sixty-two years and fourteen or more years
12 of credited service;

13 E. age sixty-one years and seventeen or more years
14 of credited service; [øf]

15 F. any age and twenty or more years of credited
16 service for an individual who was a retired member or a member
17 on June 30, 2009; or

18 G. any age and twenty-five or more years of
19 credited service for an individual who was not a retired member
20 or a member on June 30, 2009."

21 Section 10. Section 10-11-99 NMSA 1978 (being Laws 1987,
22 Chapter 253, Section 99) is amended to read:

23 "10-11-99. MUNICIPAL FIRE MEMBER COVERAGE PLAN 3--AGE AND
24 SERVICE REQUIREMENTS FOR NORMAL RETIREMENT.--Under municipal
25 fire member coverage plan 3, the age and service requirements

.177132.1

underscored material = new
[bracketed material] = delete

1 for normal retirement are:

2 A. age sixty-five years or older and five or more
3 years of credited service;

4 B. age sixty-four years and eight or more years of
5 credited service;

6 C. age sixty-three years and eleven or more years
7 of credited service;

8 D. age sixty-two years and fourteen or more years
9 of credited service;

10 E. age sixty-one years and seventeen or more years
11 of credited service; [øf]

12 F. any age and twenty or more years of credited
13 service for an individual who was a retired member or a
14 member on June 30, 2009; or

15 G. any age and twenty-five or more years of
16 credited service for an individual who was not a retired
17 member or a member on June 30, 2009."

18 Section 11. Section 10-11-105 NMSA 1978 (being Laws
19 1987, Chapter 253, Section 105) is amended to read:

20 "10-11-105. MUNICIPAL FIRE MEMBER COVERAGE PLAN 4--AGE
21 AND SERVICE REQUIREMENTS FOR NORMAL RETIREMENT.--Under
22 municipal fire member coverage plan 4, the age and service
23 requirements for normal retirement are:

24 A. age sixty-five years or older and five or more
25 years of credited service;

.177132.1

underscored material = new
[bracketed material] = delete

1 B. age sixty-four years and eight or more years
2 of credited service;

3 C. age sixty-three years and eleven or more years
4 of credited service;

5 D. age sixty-two years and fourteen or more years
6 of credited service;

7 E. age sixty-one years and seventeen or more
8 years of credited service; [~~or~~]

9 F. any age and twenty or more years of credited
10 service for an individual who was a retired member or a
11 member on June 30, 2009; or

12 G. any age and twenty-five or more years of
13 credited service for an individual who was not a retired
14 member or a member on June 30, 2009."

15 Section 12. Section 10-11-111 NMSA 1978 (being Laws
16 1987, Chapter 253, Section 111) is amended to read:

17 "10-11-111. MUNICIPAL FIRE MEMBER COVERAGE PLAN 5--AGE
18 AND SERVICE REQUIREMENTS FOR NORMAL RETIREMENT.--Under
19 municipal fire member coverage plan 5, the age and service
20 requirements for normal retirement are:

21 A. age sixty-five years or older and five or more
22 years of credited service;

23 B. age sixty-four years and eight or more years
24 of credited service;

25 C. age sixty-three years and eleven or more years

.177132.1

underscored material = new
[bracketed material] = delete

1 of credited service;

2 D. age sixty-two years and fourteen or more years
3 of credited service;

4 E. age sixty-one years and seventeen or more
5 years of credited service; [~~or~~]

6 F. any age and twenty or more years of credited
7 service for an individual who was a retired member or a
8 member on June 30, 2009; or

9 G. any age and twenty-five or more years of
10 credited service for an individual who was not a retired
11 member or a member on June 30, 2009."

12 Section 13. Section 10-11-115.2 NMSA 1978 (being Laws
13 2003, Chapter 268, Section 3) is amended to read:

14 "10-11-115.2. MUNICIPAL DETENTION OFFICER MEMBER
15 COVERAGE PLAN 1--AGE AND SERVICE REQUIREMENTS FOR NORMAL
16 RETIREMENT--CALCULATION OF CREDITED SERVICE.--

17 A. Under municipal detention officer member
18 coverage plan 1, the age and service requirements for normal
19 retirement are:

20 (1) age sixty-five years or older and five
21 or more years of credited service;

22 (2) age sixty-four years and eight or more
23 years of credited service;

24 (3) age sixty-three years and eleven or more
25 years of credited service;

.177132.1

underscored material = new
[bracketed material] = delete

1 (4) age sixty-two years and fourteen or more
2 years of credited service;

3 (5) age sixty-one years and seventeen or
4 more years of credited service;

5 (6) age sixty years and twenty or more years
6 of credited service; or

7 (7) any age and twenty-five or more years of
8 credited service.

9 B. In calculating credited service for the
10 purposes of determining retirement eligibility and amount of
11 pension, the credited service of a municipal detention
12 officer member who was a retired member or a member on June
13 30, 2009 shall have actual credited service increased by
14 twenty percent only for the purposes of municipal detention
15 officer member coverage plan 1, and, if a member transfers or
16 otherwise becomes subject to another coverage plan, only the
17 actual credited service, rather than the increased credited
18 service, may be used to determine retirement eligibility
19 under that other plan."

20 Section 14. EFFECTIVE DATE.--The effective date of the
21 provisions of this act is July 1, 2009.